

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-29 are presently active in this case. Claims 1-10 are amended and Claims 11-29 are added. No new matter has been added.

The outstanding Office Action objects to the Abstract of the Disclosure because of perceived informalities; objects to the disclosure because of perceived informalities; objects to Claims 5-10 under 37 CFR § 1.75(c) as improper; rejects Claims 1, 3, 4, and 8 under 35 U.S.C. § 102(e) as anticipated by Ahmadvand (U.S. Patent No. 6,477,670 B1); rejects Claims 2, 9, and 10 under 35 U.S.C. § 103(a) as unpatentable over Ahmadvand in view of Sarkkinen et al. (U.S. Patent Publication No. 2001-0033582, herein "Sarkkinen"); and rejects Claim 7 under 35 U.S.C. § 103(a) as unpatentable over Ahmadvand in view of Johansson et al. (U.S. Patent No. 6,473,999, herein "Johansson").

In regard to the objection to the Abstract of the Disclosure, the Abstract is amended as suggested in the outstanding Office Action. Accordingly, Applicant respectfully requests that the objection be withdrawn.

In regard to the objection to the disclosure, the disclosure is amended as suggested in the outstanding Office Action. Accordingly, Applicant respectfully requests that the objection be withdrawn.

In regard to the objection to Claims 5-10 under 37 CFR § 1.75(c), Claims 5-10 are amended as suggested in the outstanding Office Action. Accordingly, Applicant respectfully requests that the objection be withdrawn.

In regard to the rejection of Claims 1, 3, 4, and 8 under 35 U.S.C. § 102(e) as anticipated by Ahmadvand, Applicant respectfully traverse the rejection for the following reasons.

To establish anticipation under 35 U.S.C. § 102(e), the Office Action must show that each and every feature recited in the rejected claims is either explicitly disclosed or necessarily present in Ahmadvand.¹

Claim 1, as amended, recites a system for transmitting data over a physical resource comprising, *inter alia*, a second sub-layer configured to transmit at least one of the transmission units over the physical resource during each of transmission time interval, the transmission time interval being a periodic time interval during which the second sub-layer is allowed to access the physical resource.

Ahmadvand does not disclose or suggest the above-mentioned second sub-layer feature of Claim 1. The outstanding Office Action cites column 5, lines 57-61 and Fig. 3 of Ahmadvand²; however, the above-mentioned second sub-layer feature of Claim 1 is not disclosed there. In the claimed invention, a second sub-layer is configured to transmit at least one of the transmission units during each transmission time interval, wherein the transmission time interval is a periodic time interval during which the second sub-layer is allowed to access the physical resource. On the other hand, Ahmadvand only discloses that “[a]t the MAC sublayer, the RLC frames are multiplexed onto transport channels based on their QoS requirements and transmitted to the physical layer for propagation to the receiving end.”³ In other words, Ahmadvand, does not even address the notion of “transmission time interval.” Nowhere does Ahmadvand teach or suggest a second sub-layer configured to transmit at least one of the transmission units over the physical resource during each transmission time interval, the transmission time interval being a periodic time interval during which the second sub-layer is allowed to access the physical resource, as recited in Claim 1.

Accordingly, Applicant respectfully submits that the rejection of Claim 1 under 35

¹ See MPEP § 2131.

² Page 4 of the Office Action of September 15, 2004.

U.S.C. § 102(e) should be withdrawn. Claims 3, 4, and 8 depend on Claim 1. For at least the reasons given above with respect to Claim 1, Applicant respectfully requests that the rejection of Claims 3, 4, and 8 under 35 U.S.C. § 102(e) be withdrawn as well.

Applicant respectfully traverses the rejection of Claims 2, 9, and 10 under 35 U.S.C. § 103(a) as unpatentable over Ahmadvand in view of Sarkkinen.

Claims 2, 9, and 10 depend on Claim 1. As discussed above with respect to Claim 1, Ahmadvand does not teach or suggest each and every element recited in Claim 1. For example, Ahmadvand does not teach or suggest at least a second sub-layer configured to transmit at least one of the transmission units over the physical resource during each transmission time interval, the transmission time interval being a periodic time interval during which the second sub-layer is allowed to access the physical resource, as recited in Claim 1, as amended. Sarkkinen does not cure the deficiencies of Ahmadvand in this regard.

In view of the failure of Ahmadvand and Sarkkinen to teach or suggest all features of Claim 1, Applicant respectfully submits that Ahmadvand in view of Sarkkinen does not render Claim 1 obvious under 35 U.S.C. § 103(a). Since Claims 2, 9, and 10 depend on Claim 1, Applicant respectfully requests that the rejection of Claims 2, 9, and 10 under 35 U.S.C. § 103(a) be withdrawn.

Applicant respectfully traverses the rejection of Claim 7 under 35 U.S.C. § 103(a) as unpatentable over Ahmadvand in view of Johansson.

Claim 7 depends on Claim 1. As discussed above with respect to Claim 1, Ahmadvand does not teach or suggest each and every element recited in Claim 1. For example, Ahmadvand does not teach or suggest at least a second sub-layer configured to transmit at least one of the transmission units over the physical resource during each transmission time interval, the transmission time interval being a periodic time interval during which the second sub-layer is

³ Abstract, lines 19-23 of Ahmadvand.

allowed to access the physical resource, as recited in Claim 1, as amended. Johansson does not cure the deficiencies of Ahmadvand in this regard.

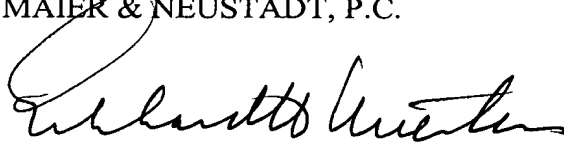
In view of the failure of Ahmadvand and Johansson to teach or suggest all features of Claim 1, Applicant respectfully submits that Ahmadvand in view of Johansson does not render Claim 1 obvious under 35 U.S.C. § 103(a). Since Claim 7 depends on Claim 1, Applicant respectfully requests that the rejection of Claim 7 under 35 U.S.C. § 103(a) be withdrawn.

New Claims 11-29 depend on Claim 1. Accordingly, Applicant respectfully submits that Claims 11-29 are allowable at least for this reason in addition to the novel and non-obvious features recited therein.

In view of the foregoing remarks, Applicant respectfully submits that each and every one of Claims 1-29 defines patentable subject matter, and that the application is in condition for allowance. Applicant respectfully requests the reconsideration and reexamination of this application and the timely allowance of the pending claims.

Respectfully submitted,

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